

# Review of implementation of guidance on handling allegations of abuse against those who work with children or young people



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# Executive Summary

Effective management of allegations plays a vital role in ensuring that those who work with children are safe to do so. It is hugely important for children, young people and all those who work with them that allegations are immediately reported to the Local Authority Designated Officer, investigated quickly and handled carefully to minimise disruption and to support everyone involved.

During the passage of the Education and Inspections Bill in 2006, Ministers gave a commitment to review the current guidance<sup>1</sup> on handling allegations of abuse against those who work with children and young people. The review was carried out between August 2007 and November 2007 by the Department for Children, Schools and Families (DCSF). It included a limited public consultation including interviews with key stakeholders, a data collection from local authorities, progress reports by Local Safeguarding Children Boards (LSCBs) and a media review.

The key findings from the review are that:

- a. Where guidance has been implemented it is effective in improving the handling of allegations.
- b. The guidance has been implemented well in the education sector but there is more to do to embed the guidance in the wider children's workforce.
- c. New procedures have emphasised the importance of maintaining confidentiality.
- d. More consideration is now being given to the decision of whether to suspend a member of staff or not, and Local Authority Designated Officers have reported a decrease in the number of 'automatic suspensions'.
- e. The timescales in which allegations are being resolved has improved, although this still falls short of the Government's indicative timescales.
- f. Anonymous allegations including those made online are a general concern for practitioners. Although a very small number of respondents have had experience of these types of allegations, many asked for specific guidance on handling them.

Our analysis of the evidence leads us to conclude that:

- a. There are no fundamental problems with the guidance itself that would require amendments although practitioners have requested further advice on a range of practical elements.

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<sup>1</sup> This is the guidance contained within Chapter 5 of *Safeguarding Children and Safer Recruitment in Education* (DfES 2006) and Paragraphs 6.20-6.30 and Appendix 5 of *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children* (HM Government 2006).

- b. There is a need for more awareness-raising and training in some sectors to embed the guidance in the wider children's workforce, and practitioners would like further practice guidance on a number of issues.
- c. More work needs to be carried out with police to explore the scope for speeding up investigations once they have left the local authority.

In response, the Government:

- a. Will carry out awareness-raising activities to promote the guidance across the children's workforce with particular emphasis on those sectors of the children's workforce for which statutory guidance on handling allegations was new in 2006 and who have had less time to embed procedures.
- b. Will produce practice guidance to assist practitioners in implementing the new procedures in their sectors. This will cover issues raised by respondents to the consultation.
- c. Will improve the training offer for those responsible for managing allegations.
- d. Will work to investigate further the relationships between police timescales and those given in *Working Together* to reduce the time taken to resolve allegations and to forge a better working relationship between the police and other agencies when dealing with allegations.

# Introduction

1. The guidance on allegations applies where it is alleged that a person who works with children has:
  - behaved in a way that has harmed a child, or may have harmed a child<sup>2</sup>;
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child or children in a way that indicates she is unsuitable to work with children.
2. Concern about allegations of child abuse made against those working with children and young people is a longstanding issue and has been debated at length over many years.
3. The Government has been working to ensure that the systems for dealing with allegations provide effective protection for children against abuse while also providing a fair, transparent system for teachers and other members of the children's workforce that minimises the impact of allegations which turn out to be unfounded.
4. In 1995 the Department for Education and Employment included guidance on handling allegations as an Annex to *Circular 1095: 'Protecting Children from Abuse: The Role of the Education Service'*, which had been produced by representatives of local education authorities and the six teacher organisations in England and Wales. Following allegations audits carried out by the DfES-funded Investigation and Referral Support Coordinators<sup>3</sup> and a commitment made in the Department's *Five Year Strategy for Children and Learners* (July 2004), new guidance was produced to improve the way in which allegations were dealt with. The audits had highlighted the issues for practitioners that had arisen from the slow handling of allegations and this led to a new focus on speeding up the process.
5. The new guidance, *Dealing with Allegations of Abuse against Teachers and Other Education Staff*, was published in November 2005. In April 2006 it was included in *Working Together to Safeguard Children*, which widened the scope of the guidance to the whole children's workforce, not just the education sector.
6. The allegations guidance was also incorporated into *Safeguarding Children and Safer Recruitment in Education*, which came into force in January 2007.

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<sup>2</sup> A 'child' means a person under the age of 18 – and also any person aged 18, 19 or 20 who has been in care (since the age of 16) or who has a learning disability.

<sup>3</sup> Investigation and Referral Support Coordinators (IRSCs). In 2001 the DfES established and funded a strategic network of 25 IRSCs in regional clusters throughout England. The network was established to ensure that allegations against teachers and other education staff are dealt with fairly and quickly, and that where staff need to be suspended it is for the minimum period necessary.

7. The key elements of the new arrangements were the introduction of:
  - a. a national standard process built on effective practice;
  - b. target timescales for each stage of the process;
  - c. better case management and decision making built on close cooperation between agencies;
  - d. better and quicker information sharing; and close liaison between the police and Crown Prosecution Service on criminal investigations.
8. To help local authorities embed the new guidance the DCSF introduced a national field force of Allegations Management Advisers (AMAs) on 1 April 2006. AMAs were embedded in regional Government Offices and had the following objectives:
  - to work to ensure that Local Safeguarding Children Boards (LSCBs) have clear policies and procedures in place to ensure the timely and effective management of allegations across the children's workforce;
  - to establish effective working relationships with LSCBs, local authorities (LAs), police forces and other relevant organisations;
  - to assist LSCBs to ensure the adoption by LAs, the police and other relevant organisations of procedures for dealing with allegations that comply with national guidance;
  - to help to ensure that cases are dealt with effectively, without unnecessary delay, by identifying and helping to remove barriers at a strategic level;
  - to provide differentiated support and advice to LAs, the police and other relevant organisations, and assist with the development of appropriate guidance and training materials; and
  - to establish safe recruitment policies and practice.
9. On the 1 April 2008 the AMAs were replaced by a network of Safeguarding Advisers. The new network works as part of Government Office Children and Learners Teams to provide support and challenge to local authorities and Local Safeguarding Children Boards (LSCBs) and to help them engage effectively with delivery partners (such as Strategic Health Authorities, Primary Care Trusts and police forces) on safeguarding issues across the range of children's services.
10. During the passage of the Education and Inspections Bill in 2006, Ministers gave a commitment to review the allegations guidance in 2007 in response to issues raised on confidentiality.
11. Unfounded allegations against foster carers can be extremely traumatic for those involved and may in some cases contribute to a decision to leave fostering altogether. In April 2006 the Government also published guidance to foster carers and their families about what happens if an allegation of abuse or neglect is made against them. The guidance is called 'Protecting Children – Supporting Foster Carers – Dealing with an Allegation'.<sup>4</sup>

<sup>4</sup> Protecting Children – Supporting Foster Carers – Dealing with an Allegation' (2006) can be downloaded from:  
<http://www.everychildmatters.gov.uk/resources-and-practice/IG00082/>

## Key points of the guidance

12. The current guidance explains that LSCBs have responsibility for ensuring that there are effective inter-agency procedures in place for dealing with allegations against people who work with children, and for monitoring and evaluating the effectiveness of those procedures.
13. It states that local authorities should have a designated officer who has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any interagency issues, for providing advice to employers, and for liaison with the LSCB on the subject. Police forces should also identify officers to fill similar roles: a senior officer to have strategic oversight of the arrangements and ensure compliance.
14. This guidance says that LSCB member organisations should also have a named senior officer who has overall responsibility for:
  - ensuring that the organisation operates procedures for dealing with allegations in accordance with the guidance in appendix 5 of *Working Together*;
  - resolving any inter-agency issues; and
  - liaising with the LSCB on the subject.
15. The guidance also states that LSCBs should complete cases expeditiously, and gives indicative target timescales for some of the different stages in the process:
  - allegations should be reported to the senior manager in an organisation immediately
  - if the allegation meets the criteria in *Working Together*, the employer should report it to the LADO within one working day
  - where the initial evaluation decides that the allegation does not involve a criminal offence, it is dealt with by the employer. If the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.
16. The guidance is clear that staff, foster carers, volunteers and other individuals about whom there are concerns should be treated fairly and honestly, and should be provided with support throughout the investigation process, as should others who are involved.

# Evidence for the Review

17. To fulfil the Government's commitment to review the implementation of the guidance on handling allegations of abuse against those who work with children and young people, evidence was gathered from four sources:
  - a. a six week public consultation was held from 11 September to 23 October 2007, to which 96 responses were received from a wide range of sectors including education, health, fostering, ACPO, individuals, national organisations, unions and LSCBs. Interviews with key stakeholders were held in four local authorities;
  - b. a data collection request for local authorities to send in data on allegations dealt with between 1 April 2007 and 30 September 2007;
  - c. Allegation Management Advisers were asked to conduct assessments of the LSCBs in their regions looking at the progress they had made in setting up the procedures and roles necessary to enable them to achieve their targets on handling allegations and promoting safer recruitment; and
  - d. the DCSF carried out a media review of 42 allegations which had been in the press to assess whether confidentiality guidance had been breached, and held a discussion with the Press Complaints Commission.
18. A stakeholder reference group including members from a variety of sectors was set up in August 2007 and gave initial thoughts and comments on emerging findings. Membership of the group is shown in Annex C.

## Consultation

19. The Department published a consultation document on the DCSF website on 11 September 2007 aimed particularly at those who work with children and young people their employers and practitioners involved in handling allegations. It sought evidence on how effective implementation of the guidance has been and the impact this has had. It also asked questions on more specific areas such as confidentiality, online allegations, and false or malicious allegations. A question-by-question summary of the consultation can be found at Annex A.



20. The organisational breakdown of respondents was as follows:

Local Authority Designated Officer (LADO)	21
Local Safeguarding Children Board	18
Health	6
Parent or Carer of a Child under 19	5
Teacher Teaching Assistant Other school staff	4
Police (local forces and ACPO)	4
Early Years Worker Childcare	3
Other	35

21. Those which fell into the 'other' category included: national organisations such as the NSPCC, Ofsted, Royal College of Nursing, and the Fostering Network. In addition, teacher organisations, youth offender team workers, child protection specialists and those who did not specify a respondent type were included in this category.

22. Below are summaries of and comments taken from the consultation responses:

### New processes

23. On the whole, respondents were positive regarding the improvements that the processes are bringing to allegations management, and agreed that the situation will continue to improve as more agencies take them on board. Many responses stated that implementation was still 'work in progress' with some agencies and settings doing better than others. The main obstacle authorities and LADOs were concerned about was lack of awareness of the procedures in the wider children's workforce, followed by a lack of resource to go out into the field and raise awareness, and also to deal with allegations as they come in.

24. On the implementation of new processes Ofsted commented '*Evidence from our regulatory work and inspections of childcare settings, schools, colleges and providers of education for young people indicate that there is a varied picture across the country.*' Inconsistencies in the handling of cases was a common concern for the teachers' unions, but a comment from the Royal College of Nurses suggests that, in health organisations, the guidance is found to be useful: '*Members have reported that the guidance has provided clarity and an increased likelihood in the consistent management of allegations across health service providers.*'

### Timescales

25. Timescales were found by most respondents to be tight, yet most authorities are managing to adhere to timescales in all but the most complex of cases, typically those involving the police and computers being taken away for examination as evidence. An issue to be considered is an apparent tension with police Professional Standards Unit (PSU) timescales, which can cause difficulties. One Professional Standards Unit wrote: '*PSU aims to resolve all complaints made against Police Staff or Police officers between 90 – 120 days. I would suggest very few cases are resolved within 1 month. Police investigations into other agency staff is generally concluded within 1-2 months but is quite often delayed for a Crown Prosecution Service decision where charges are considered.*'

26. Some authorities suggested that issues around information sharing may be the reason for delays. One county council wrote: *'There remain difficulties with sharing information from a police investigation despite the recommendation that during their investigation, the police ask permission of the individual for the information to be shared with the disciplinary process. Often this leads to further delays while the senior police officer or force solicitor considers whether information can be shared.'*
27. Teachers' organisations had a range of views on whether there had been an improvement on timescales. One observed *'there is certainly a willingness to move through the procedures as quickly as possible and timescales have improved'*; others commented that the timescales were welcome, but that they were not being met.

Children's Services Department: *'It is clear however that the new procedures do ensure a more consistent and coordinated approach between employing agencies, police and children's social care in managing allegations and that the LADO is able to ensure they reach a satisfactory resolution as speedily as possible.'*

## Confidentiality

28. For a number of years there have been national campaigns requesting a right to confidentiality (for teachers in particular). However, in the consultation, the wide majority of respondents did not state that they had experienced problems with breaches of confidentiality, but agreed that the guidance on confidentiality is being adhered to. Three teachers' organisations did call for legal anonymity for teachers, and all other respondents requested further guidance and training on this issue.
29. A regional group of LADOs submitted the following points on confidentiality: *'Despite internal robust procedures on confidentiality it is not always possible to prevent members of the public and local communities knowing about individual allegations and going to the press. Alleged victims need limited but speedy information about process and the consequences of gossip. Whether it is parents in the playground, the foster care network, or 'gossip' within agencies, it is difficult to control. There needs to be a clear statement that there should be personal accountability and the possibility of disciplinary action. Further guidance is needed on how minutes of meetings are stored, how they are utilised and who has copies.'*
30. A few respondents commented that concerns regarding confidentiality had in some cases led to a lack of information-sharing with persons involved in the allegation. The Children's Workforce Development Council (CWDC) commented: *'We recommend that the process of involving the child/young person could be more comprehensive. Irrespective of age, the child/young person may want to be kept informed of the progress of the allegation and the documentation should better acknowledge this. We recommend that the agency handling the case should have responsibility to ensure that the child/young person is kept informed of the current status/progress of the allegation whilst ensuring that confidentiality is not compromised. In some cases circumstances may dictate that communications occur via whoever has parental responsibility for the child/young person.'*

31. In reply to the question on whether there was need for further measures or support on maintaining confidentiality a large number of local authority responses called for guidance on storage of information and a protocol on sharing minutes from strategy meetings.

## Suspension

32. Local Authority Designated Officers were in agreement that, in their experience, the use of suspension has improved, in that it is less often used as an automatic response to allegations. There is however, a varied picture across the workforce. One authority commented: *'Generally large organisations handle suspension well. They have access to experienced HR and legal advice and are aware of policy and legal information which should influence the decision. Smaller organisations are not so well placed.'*
33. Teachers' organisations had different views on the issue. One stated that teachers are frequently suspended automatically, and suggested that one reason might be: *'a misconception by some headteachers, that if they do not suspend at the outset, that they may have problems later on if they need to dismiss the teacher on the grounds of gross misconduct.'* Another commented: *'We have noticed there are fewer occasions where a suspension is an automatic response to an allegation and more cases where thought is given to whether suspension is necessary. In maintained schools the key moment is when the school takes advice from the authority. There are some very good authority procedures which explain when suspension is necessary and what the alternatives to suspension could be in practise.'* A point mentioned in a number of responses is that ultimately the authority to suspend lies with the employer, and not with the strategy meeting or LADO.
34. Practitioners would like to see more practice guidance and case studies to help them in deciding whether suspension is appropriate in certain situations. One LSCB commented *'There is a continued and widely held perception that suspension is not a neutral act, despite its status within employment law. The guidance needs to emphasise that suspension equally protects the member of staff during an investigative process, or perhaps introduce another term that breaks with the very fixed negative perception.'*

## False or malicious allegations

35. In the consultation, regional interviews and stakeholder reference group meetings, concern was expressed at the emphasis the guidance seems to put on malicious allegations, and the fact that it says that the police should be asked to consider whether any action might be appropriate against a young person who has made such an allegation. Respondents argued that more often than not, when such allegations are made the young people concerned may have very complex needs and the allegation may be a result of 'displacing' other abuse/trauma in their lives.
36. Overall, there was widespread agreement amongst respondents that there is a very low incidence of allegations that are demonstrably malicious, but that where they do occur, they are being dealt with in line with guidance. A small number of responses from different sectors commented on there being some confusion over the distinction between unsubstantiated,

unfounded, false and malicious allegations. Definitions of ‘unsubstantiated’, ‘unfounded’ and ‘malicious’ have been included in the practice guidance being issued for consultation.

## Social Networking Sites

37. Allegations made through Social Networking Sites remain a general concern for practitioners, despite a very small number of respondents having had experience of these types of allegations. Those who had come across them reported that they were dealt with in the same manner as responses to anonymous letters. A significant number of respondents requested specific guidance on handling these allegations.

## Data Collection

38. Data on allegations was collected via a voluntary collection from Local Authority Designated Officers (LADOs). The request covered data for the period 1 April 2007 to 30 September 2007. LADOs were requested to provide data on the following:

- Total number of allegations
- Number of referrals by agency
- Number of referrals by employment sector and primary abuse category
- Number of referrals involving physical abuse following a member of staff carrying out an authorised physical intervention or restraint
- At point of conclusion the number of referrals resolved within one month, three months, twelve months and more than twelve months
- Number of outstanding allegations
- Outcome(s) of allegations

39. A total of 130 responses were received, of which 2 were unusable due to data quality. The results below are collated from 128 returns which account for 85% of local authorities in England.
40. It should be borne in mind that the data collection period included 9 weeks of school holidays.
41. The tables below represent the full data set, presented by total numbers and by percentages. The data is discussed in more detail in the analysis section of this report.

## Total number of allegations:

42. The total number of allegations referred to the LADO based on 85% of authorities was 4069 in the period 1 April 2007 – 30 September 2007. This is an increase over the (education only) audit carried out by the Investigation and Referral Support Coordinators in 2004<sup>5</sup> although this data is not strictly comparable, and the increase may reflect the implementation of the new procedures for handling allegations.

<sup>5</sup> The IRSC data showed 2,452 referrals over a twelve month period, compared to 1,925 allegations stemming from the education sector over the six months of this survey.

**Table 1a – Number of referrals by agency:**

<b>Agency:</b>	<b>Percentage (as % of total referrals):</b>
Social Care	20.6%
Health	2.0%
Education	47.3%
Foster Carers	7.8%
Police	4.8%
Secure Estate	2.5%
Other <sup>6</sup>	14.9%

43. The figures in table 1a show that the greatest proportion of the referrals come from the education sector at 47.3%, followed by social care at 20.6%. A low percentage of allegations were referred from health at 2%.

**Table 1b – Number of referrals by employment sector:**

<b>Employer</b>	<b>Percentage (as % of total referrals):</b>
Social Care	13.2%
Health	2.1%
Education	52.0%
Foster Carers	12.0%
Police	1.2%
Secure Estate	2.6%
Other	16.9%

44. Table 1b shows the employment sector of the person against whom an allegation is made and displays the same trends as table 1a.

<sup>6</sup> Ratings were given based on the following key: Green – meets requirements; GreenAmber – requires some limited attention; AmberRed – requires substantial attention; Red – requires urgent action

**Table 2 – Referrals by primary abuse category, as a percentage of total referrals for that employment sector:**

Employer	Physical	Emotional	Sexual	Neglect
Social Care	57.8%	9.5%	27.1%	5.7%
Health	44.6%	3.6%	41.0%	10.8%
Education	61.6%	6.8%	29.3%	2.4%
Foster Carers	58.7%	12.7%	19.1%	9.5%
Police	40.4%	4.3%	51.1%	4.3%
Secure Estate	76.2%	5.7%	16.2%	1.9%
Other	46.8%	6.5%	40.5%	6.2%
Total	58.0%	7.7%	29.8%	4.5%

45. The data shows that on average across agencies there is a higher percentage of allegations relating to physical abuse (58%), followed by sexual abuse (29.8), emotional abuse (7.7%) and neglect (4.5%). Secure Estate had a much higher percentage of allegations relating to physical abuse (76.2%) than the other abuse categories. Police reported more allegations relating to sexual abuse (51.1%) than physical abuse (40.4%)

**Table 3 – Referrals involving physical abuse following a member of staff carrying out an authorised physical intervention or restraint, as a % of total allegations for that sector:**

Agency:	Percentage (as % of total allegations for that sector):
Social Care	13.3%
Health	13.3%
Education	12.7%
Foster Carers	4.6%
Police	12.8%
Secure Estate	61.9%
Other	8.3%
Total	12%

46. The data clearly shows that just under two-thirds of allegations of physical abuse referred from Secure Estate followed a member of staff carrying out an authorised physical intervention or restraint. In the other agencies the proportion was much smaller.
47. Data was also collected on allegations which were concluded within the same period. This was a separate data set from the data on allegations reported in this period, although there will be some overlap between the two.

**Table 4 – Total number of allegations marked as concluded by LADOs from 1 April 2007 to 30 September 2007:**

<b>Total:</b>	<b>3099</b>
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**Table 5 – At the point of conclusion, the percentage of referrals resolved within the following timeframes:**

1 Month	64.3%
3 Months	27.7%
12 Months	7.0%
More than 12 Months	1%

48. The table shows that 92% of allegations were resolved within 3 months, with just under two-thirds being resolved within 1 month. Less than 10% took 12 months to resolve, with 1% taking longer than 12 months.

**Table 6 – Percentage of concluded referrals were determined as:**

<b>Outcome</b>	<b>Percentage (as % of total cases concluded)</b>
Being malicious	2.8%
Being unfounded	13.4%

49. Responses to the data collection show that at 2.8%, allegations found to be malicious make up a tiny proportion of the total number of allegations. Unfounded allegations (see glossary at end of document for definitions) were more common at 13.4%. LAs were asked to record allegations in all categories that applied, so it is possible that some allegations may have been counted in both of the above categories.

**Table 7 – Result of concluded referrals that resulted in [note: each allegation is counted in all categories that apply]:**

<b>Outcome</b>	<b>Percentage (as % of total cases concluded)</b>
No further action after initial consideration	24.0%
Suspension	18.1%
Dismissal	4.6%
Resignation	2.7%
Cessation of use	5.3%
Disciplinary proceedings	20.9%
Section 47 investigation	23.3%
Criminal investigation	19.9%
Caution	1.0%
Conviction	1.2%
Acquittal	0.3%

50. The table shows that just under a quarter of allegations were resolved with no further action after the initial consideration. 23.3% resulted in a child protection (section 47) investigation being carried out, 20.9% in disciplinary proceedings for the individual under allegation, and 19.9% in criminal investigation.

## Local Safeguarding Children Boards Progress Reports

51. In December 2007, Allegation Management Advisers were asked to assess the LSCBs in their regions, looking at the progress they had made in setting up the procedures and roles necessary to enable them to achieve their targets on handling allegations and promoting safer recruitment.
52. The Allegation Management Advisers Network compiled a list of indicators to assess progress, including questions on roles and responsibilities, procedures and monitoring and evaluation.
53. Responses from all the LSCB areas were totalled and averaged, and RAG<sup>7</sup> ratings given for each section to provide a general picture of how well LSCBs were doing in setting up the appropriate roles and structures for allegations management, and to provide a benchmark for further improvement. A summary of the responses can be found at Annex B.
54. The progress reports demonstrate that at December 2007 most authorities were still in the process of finalising their roles and structures for allegations management. The 10% of authorities who had still not appointed a LADO at this point were also lagging behind on most of the other indicators, which highlighted the importance of having someone in this central role to oversee that arrangements for allegation management are made. However, by

<sup>7</sup> Ratings were given based on the following key: Green – meets requirements; GreenAmber – requires some limited attention; AmberRed – requires substantial attention; Red – requires urgent action



August 2008 only 4.3% of LAs were still to appoint a LADO. Half the authorities were still in the process of making sure all their member organisations had identified a Named Senior Officer to handle allegations. Many authorities commented that the issue had been discussed at LSCB meetings, and that letters had been sent out, but stressed the importance of ensuring that the information was actively sought and produced as a comprehensive list.

55. As of December 2007, only three authorities had yet to update their LSCB procedures to reflect *Working Together*, although these were in progress, and one authority had yet to put in place arrangements to record details of allegations. Two-thirds of authorities monitored and evaluated the effectiveness of procedures, many of them using LSCB scrutiny sub-groups. Two-thirds of authorities ensured allegations training was provided in their areas, and the remaining third had identified this as a priority for the LADO role.
56. Overall the majority of LAs were doing well with arrangements for allegations management, and although a small percentage were still in the early stages of setting up posts, the work was underway. LAs that have appointed LADOs at an early stage were more organised than those that were still waiting to fill the post.

## Key Stakeholder Interviews

57. Local authorities were asked to set up group interviews for DCSF officials to meet the LADO, the LSCB Safeguarding Manager, and HR adviser if possible, as well as any employers they had worked with on an allegation, who were willing to be interviewed.
58. The interviews confirmed the emerging pattern of the guidance only having penetrated certain parts of the workforce. All four LADOs DCSF spoke to reported hearing frequently from those schools/organisations that were 'tuned in' to allegations procedures, but relatively little from other organisations.
59. The authorities visited by DCSF agreed that having a local authority HR representative present at every strategy meeting was absolutely vital to allegations work, and recommended that the role should be given more prominence in any subsequent guidance. Questions from the public consultation were used as a conversation guide. The views gathered broadly agreed with the consultation findings, and comments made have been included in the general analysis and conclusions.
60. Interviews covered a range of topics; a selection of some of the comments made is given below:

### Suspension

Judging the need for suspension should be a process where everyone sits down and discusses a situation and a recommendation is arrived at together.

### ***Support for person under allegation***

Issue of support for member of staff facing the allegation. The LA has drawn up a flowchart to show who the alleged person can contact if they've been suspended. This is hugely important, especially if there is work that someone else will need to take on in their absence.

### ***Independent scrutiny***

As an employer, in the last 18 months I've really valued the rigour that the new arrangements have brought about. Independent scrutiny has been very helpful, especially in situations with unfounded cases where jobs were on the line.

### ***Foster Carers***

The team here provide basic awareness training for foster carers etc, e.g. how to protect yourself and minimise the likelihood of allegations being made against you.

### ***Satisfied schools***

There are more allegations from schools than any other agencies, especially those schools that have been through the process with us before and are satisfied that it is a supportive process.

### ***Restraint***

Restraint in schools often comes up as an 'allegation' when schools don't ring parents to explain that there has been a restraint used in school that day. They often start as allegations, but when unpicked turn out to be restraints.

### ***Safer schools***

It is important for headteachers to make the link that a safer school is going to be a better school, and also that safeguarding is not optional, it's now statutory.

## **Review of Allegations Cases in the Media**

61. As part of the investigation into use of confidentiality around allegations, a media review of 42 names was conducted from departmental press cuttings going back two years. Officials searched online for articles on each of the cases to see whether any of them had been reported at an early stage in the process before charges had been brought against the individuals under allegation, which would breach confidentiality guidance.
62. Most of the articles found had been written after charges had been brought against the individual, and most of them after conviction or acquittal. Only two articles were found which had named teachers who were suspended from work but had not been charged. This suggests that self-regulation of the Code of Practice in journalism is largely working in regard to allegations cases, and that the press are waiting until an individual has been charged before publishing articles.
63. Officials also met with the Press Complaints Commission (PCC), to discuss whether the PCC had received many complaints of allegations being published in breach of confidentiality. The PCC checked their records and reported that the number of complaints received over the last year did not point to a serious problem, and also pointed out that the Code offers protection under the accuracy and privacy sections to those individuals who are the subject of reports.

# Analysis

64. Allegation management plays a vital role in ensuring that those who work with children are safe to do so. It is hugely important for children, young people and all those who work with them that allegations are immediately reported to the LADO, investigated quickly and handled carefully to minimise disruption and to support everyone involved.
65. This review examined the implementation of the guidance contained within Chapter 5 of *Safeguarding Children and Safer Recruitment in Education* (DfES 2006) and Paragraphs 6.20-6.30 and Appendix 5 of *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*.

## Awareness of the guidance

66. The data collection results, consultation and interviews suggest there has been a large increase in the total number of allegations. Evidence from the consultation points to this increase being the result of more effective processes, with more allegations being referred to the LADO under the new procedures rather than being dealt with privately by the institution. Interviews with LADOs have confirmed that they are seeing an increase in less serious allegations being reported to them, which can then be dealt with quickly or on which a decision of 'no further action to be taken' is made.
67. Respondents to the consultation were mostly positive about improvements that the processes are bringing to allegations management, and agreed that these would increase with more agencies learning about the procedures. The main obstacle that authorities and LADOs are concerned about is lack of knowledge of the procedures in the wider children's workforce, followed up by a lack of resource to raise awareness, and capacity to deal with allegations as they come in. The majority of respondents have commented that work on awareness-raising and implementing the guidance across the children's workforce in their areas is very much still in progress, and have reported that agencies are becoming more aware of allegations guidance although there is much more yet to be done before procedures could be described as embedded.

## Timescales

68. Timescales were found by most respondents to be tight, yet most authorities are managing to adhere to timescales in all but the most complex of cases, typically those involving the police and computers being seized for examination. It is clear that even though resource issues mean timescales cannot always be met, practitioners are now very conscious of the indicative targets, and cases are not forgotten about or knowingly left to drift. Evidence from

the data collection confirms that timescales in which allegations are being resolved have improved since the 2004 (education only) audit.

## Confidentiality

69. The evidence suggests that the current guidance on confidentiality is working well. The wide majority of respondents to the consultation experienced no problems with breaches of confidentiality but agreed that the guidance on confidentiality is being adhered to. There were a number of campaigns for legal anonymity for teachers in the past, and it was expected that this would be reflected in the public consultation. However out of all the responses to the questions on confidentiality all but three requested further guidance and training on this issue rather than legal anonymity. Interviews with stakeholders have confirmed that it is working well, with the four LADOs having seen no breaches of confidentiality. DCSF were given a number of examples of best practice in schools where staff, pupils and parents have been informed by letter of an allegation on the morning that a teacher went to court. The media review revealed very few recent cases of press reporting on allegations before a charge has been made, and we were not made aware of significant cases through the consultation responses or interviews. The Press Complaints Commission has also confirmed that it has received very few complaints from people facing allegations of abuse being reported in the press. This suggests that the current arrangements are working well.

## Suspension

70. Use of suspension has improved, in the sense that it is being used as an automatic response to allegations less often. However, practitioners would like to see more practice guidance and case studies to help them in deciding whether suspension is appropriate in certain situations.

## False and Malicious allegations

71. In the consultation, regional interviews and stakeholder reference group meetings, concern was expressed at the importance the guidance seems to put on malicious allegations, and the support for punitive measures being considered against a young person who has made such an allegation. Respondents argued that more often than not, when such allegations are made the young people concerned may have very complex needs and the allegation may be a result of 'displacing' other abuse/trauma in their lives.

## Social Networking sites

72. Allegations made through Social Networking Sites remain a general concern for practitioners, despite a very small number of respondents having had experience of these types of allegations. The fact that these concerns have not materialised in allegations suggests that a) this is less of a child protection issue, and more about negative comments about teachers being left on these sites (as opposed to allegations) b) or that allegations are not being picked up. Of those who had, they reported that they were dealt with in the same manner as responses to anonymous letters.

# Conclusions

73. The evidence shows that where the guidance is in place and being followed it has been effective in improving the handling of allegations, with cases being resolved faster and a fall in the use of automatic suspension as more employers take time to consider options and consult with LADOs before making decisions on how to proceed.
74. The consultation responses to questions on confidentiality, combined with interviews with key stakeholders, a review of cases in the media and consultation with the Press Complaints Commission suggest that there have been few cases where confidentiality has been breached.
75. Although evidence has shown some good practice in those local areas and sectors where the guidance is well embedded, the review has revealed that allegations procedures are not yet consistently recognised or used in the majority of agencies in the wider children's workforce. A programme of targeted awareness-raising for these agencies would address this issue.

## Next Steps

76. In the course of the review a number of issues have come to light. To address these, Government will take the following steps:
- a) *Will carry out further awareness-raising for sectors of the children's workforce to which guidance on allegations was new in 2006*
77. Evidence from the public consultation, data collection and interviews with local authorities have shown that the education sector is far better at handling and referring allegations than other agencies in the wider children's workforce. Question 15 in the public consultation document asked respondents if they were aware of any parts of the workforce where the guidance is not well understood or where there are issues of compatibility with other processes. 80% of respondents answered 'yes' and answers have identified a long list of agencies.
78. Further awareness raising will be carried out through two avenues:
- the Children's Workforce Development Council (CWDC) are developing new guidance on training on safer recruitment for all of the children's workforce, which will include guidance on allegations procedures;
  - communications activities around the establishment of the new Vetting and Barring Scheme will include messages on the circumstances in which allegations must be referred to the Independent Safeguarding Authority, and how referrals should be made.
- b) *Will improve the training offer for allegations management*
79. Making training on allegation management easily accessible will enable far more practitioners to feel confident about handling allegations of abuse. We will:
- include a section on allegations management in the revised National College for School Leadership safer recruitment training packages, and the training packages being developed for the wider children's workforce to accompany the CWDC guidance; and
  - produce a training package for LSCBs to use in training practitioners in their areas on allegation management.
- c) *Will produce practice guidance for practitioners*
80. Responses to the consultation and regional interviews with LADOs frequently brought to light a number of issues on which respondents thought they would benefit from further guidance and/or case studies. Draft practice guidance has been launched today for consultation in conjunction with publication of this report.
- d) *Will investigate the scope for quicker handling of cases where the police are involved.*

81. Police priorities and timescales have been mentioned throughout the review and were cited as the main reason in question 2 of the consultation as to why in certain cases guidance on timescales for handling allegations was not being adhered to.
82. DCSF will work with colleagues in the Home Office and at ACPO to investigate the possibilities for quicker handling of cases, especially those where evidence such as computers has been sent to be examined.



# Annex A – Responses to the Consultation

A limited six week public consultation was held between 11<sup>th</sup> September and 23<sup>rd</sup> October 2007. 96 responses were received.

The organisational breakdown of respondents was as follows:

Other:	35
Local Authority Designated Officer (LADO):	21
Local Safeguarding Children Board (LSCB):	18
Health:	6
Parent or Carer of a Child under 19:	5
Teacher Teaching Assistant Other school staff	4
Police (local forces and ACPO)	4
Early Years Worker Childcare:	3

Those which fell into the 'other' category included: national organisations such as the NSPCC, Ofsted, Royal College of Nursing, and the Fostering Network. In addition, teaching unions, youth offender team workers, child protection specialists and those who did not specify a respondent type also fell into this category.

## Summary of Responses

For the purposes of summarising, 'very well', 'quite well' and 'adequately' have been categorised as positive responses, and 'not well' and 'not at all', as negative responses.

### **Question 1: In your experience, how well has the guidance on processes and procedures been implemented?**

There were 86 responses to this question.

65 (76%) positive                      21 (24%) negative

The majority of responses reported new activity on allegations management in their areas. However, although some areas have had strong procedures in place since before the guidance was published, many others felt that in their area, setting up the procedures and awareness-raising is very much still work-in-progress, and that it is too soon to be judged on its success.

It was felt that procedures have been slower to reach agencies in the wider children's workforce, with implementation still in its infancy in places. There is also a concern that not all allegations are reported to the Local Authority Designated Officer (LADO) and therefore cannot be counted or

checked for consistency in how they are handled. There was widespread agreement that more time is needed for guidance to be embedded.

**Question 2: How well are the target timescales for each stage of the process being adhered to?**

There were 80 responses to this question.

49 (62%) positive

31 (39%) negative

Although felt to be tight, target timescales are being adhered to on the whole, with the exception of the small number of cases where police are involved and computers/mobile phones are being taken away for investigation, which invariably leads to delays.

Respondents commented that many simple cases can be resolved quickly, but some drift on for a number of reasons, such as differing police priorities and capacity, cases not being reported to the LADO immediately, and a lack of LA resource to handle them.

**Question 3: How well is the implementation of these processes leading to an improvement in timeliness and effectiveness of dealing with allegations?**

There were 75 responses to this question.

51 (68%) positive

24 (32%) negative

There was a mixed response to this question. It was felt that where new procedures have been well-established, there is early evidence of a distinct improvement in the management of allegations, with the potential for even greater impact once guidance has been embedded more widely. Several respondents commented on clear processes contributing to improved effectiveness and a more consistent approach to handling allegations.

Several respondents were concerned that despite improvements in effectiveness, processes were not having an impact on timeliness.

**Question 4: Are there any issues of poor implementation or non-compliance with guidance that need to be addressed?**

There were 74 responses to this question.

51 (69%) yes

23 (31%) no

The majority of respondents answered this question with concerns about lack of awareness in agencies, rather than non-compliance. It was felt that in many areas this is being addressed, but is an ongoing process with agencies still learning about the need to make referrals. Several respondents mentioned resource issues contributing to poor implementation, and the conflict with police priorities and timescales.

**Question 5: Are there any issues or problems with the guidance itself that need to be addressed or has the publication of guidance delivered any unintended consequences?**

There were 73 responses to this question.

54 (74%) yes

19 (31%) no

Most respondents said 'yes' and commented that they would appreciate additional clarification, extra details or further guidance or case studies on a variety of different issues.

Examples of these are further clarity on definitions of 'malicious' and 'unfounded' allegations, clarity on how the LADO role should be funded, more detail on record keeping and handling cases where contractual staff (e.g. supply teachers etc) are used.

**Question 6: In your experience, how well is guidance on confidentiality being adhered to?**

There were 80 responses to this question.

75 (94%) positive                      5 (6%) negative

The vast majority of respondents had had no experience of breaches of confidentiality with cases, and gave positive comments that generally it is a well established principle.

Several respondents commented that alleged victims need to be advised quickly on the need for confidentiality and the consequences of gossip.

It was also noted that clear adherence to confidentiality can sometimes hamper appropriate information sharing.

**Question 7: Is there need for further measures or support for maintaining confidentiality?**

There were 80 responses to this question.

49 (61%) yes                      31 (39%) no?

The majority of respondents answered 'yes' and requested more clarity on measures to maintain confidentiality.

Several respondents commented that organisations need a clear communications and media policy and practice for responding, agreed by all agencies. It was also felt that further clarity and reassurance that all information is treated with confidentiality would be useful for employers. Only two respondents called for legal anonymity up until the point of being charged, and a small number commented on the need for rigorous rules for confidentiality with adequate sanctions for non-compliance. NASUWT repeated their call for anonymity up to the point of a court decision.

**Question 8: How well is guidance on suspension being adhered to?**

There were 79 responses to this question.

64 (80%) positive                      15 (19%) negative

Mixed responses indicate that the picture is variable across the workforce, although many of both positive and negative responses have commented that currently, more consideration is being given to the decision of whether a suspension is actually necessary, rather than it being an automatic 'nervous' response to an allegation being made.

Several respondents commented that there are fewer occasions where suspension is an automatic response to an allegation.

**Question 9: Is there need for further support or guidance around use of suspension?**

There were 78 responses to this question.

51 (65%) yes                      27 (35%) no

The majority of respondents requested more guidance around use of suspension, to 'prevent staff from being suspended unnecessarily' and 'to help employers know when suspension is appropriate'.

Several respondents commented on the importance of ensuring that suspension is not a decision taken by one individual in an organisation, but is instead the result of a discussion with relevant HR or Local Authority representatives.

**Question 10: In your experience, how well is guidance on false or malicious allegations being adhered to?**

There were 68 responses to this question.

49 (72%) positive                      19 (28%) negative

There was widespread agreement amongst respondents that there is very low incidence of allegations that are demonstrably malicious, but where they do occur, they are being dealt with in line with guidance.

Several respondents noted confusion about the difference between "unsubstantiated", "unfounded", "false" and "malicious" allegations.

**Question 11: Is there need for further measures or support on handling false or malicious allegations?**

There were 74 responses to this question.

44 (59%) yes                      30 (41%) no

It was agreed by the majority of respondents that further guidance would be useful, and further comments fell into two groups: firstly that any supplementary guidance should emphasise how rare they are and should include definitions for 'unfounded', 'unsubstantiated' and 'malicious' allegations.

**Question 12: In your experience, how well are allegations made on social networking sites, other websites, or through email being handled?**

There were 35 responses to this question.

24 (68%) positive                      11 (32%) negative

The vast majority of respondents had had no experience of these types of allegations coming to light, although they were aware and concerned about the issue. Where allegations have been made via websites, respondents commented that they have been handled through the same process as other allegations.

**Question 13: Is there need for clarification of guidance or other measures with regard to these types of allegations?**

There were 63 responses to this question.

51 (81%) yes                      12 (19%) no

As a follow-up to answering that they had had no experience of allegations made through social networking sites, most respondents said 'yes' to specific guidance on these allegations so that they would be prepared should one arise in their area.

**Question 14: How well is guidance recognised and understood in your part of the workforce? (please specify)**

There were 76 responses to this question.

55 (72%) positive                      21 (28%) negative

Respondents representing individual agencies reported that understanding of the guidance was good in their particular organisation, whereas respondents from LSCBs reported more of a mixed picture across the workforce.

It was felt that education has had a head start and is more familiar with the guidance than other agencies, although there are still concerns about levels of awareness among non-teaching staff such as volunteers, governors etc.

**Question 15: Are you aware of any parts of the workforce where the guidance is not well understood or where there are issues of compatibility with other standards/processes?**

There were 74 responses to this question.

59 (80%) yes                      15 (20%) no

The majority of respondents were able to identify another part of the workforce where they felt guidance was not understood. However, answers varied widely including GPs, independent social work employment agencies, voluntary and community sectors, faith groups, fostering, youth offender teams, childminders, early years.

# Annex B – LSCB Progress Reports

Responses from all the LSCBs have been totalled and averaged, and Red/Amber/Green ratings given for each section to provide a general picture of how well LSCBs are doing in setting up the appropriate roles and structures for allegation management, and to provide a benchmark for further improvement. This data reflects the position as of December 2007.

## Roles and Responsibilities

Has the authority identified a Named Senior Officer?

- 95.1 % Yes;
- 1.4 % In Progress;
- 3.5 % No

Have other LSCB member organisations identified an Named Senior Officer?

- 50.0 % All;
- 34.5 % Most;
- 14.1 % Some/In Progress;
- 1.4 % None

Has the LSCB maintained a list showing the Named Senior Officer for each organisation?

- 83.1 % Yes;
- 4.9 % In Progress;
- 12.0 % No

Have Named Senior Officers identified Designated Senior Managers within their organisations?

- 24.6 % Yes/All;
- 40.8 % Most;
- 33.1 % Some/In Progress;
- 1.4 % None

Has the authority appointed a LADO?

- 89.4 % Yes;
- 1.4 % In Progress;
- 9.2 % No

### **Roles and Responsibilities – Overall RAG rating**

49.3% Green; 46.5% Green/Amber; 4.2% Red/Amber, 0% Red

### **Procedures**

Have LSCB procedures been updated to reflect '*Working Together to Safeguard Children*' (2006)?

93.7 % Yes;

4.2 % In Progress;

2.1 % No

### **Procedures – Overall RAG rating**

79.6% Green; 17.6% Green/Amber; 2.1% Red/Amber; 0.7% Red

### **Monitoring and Evaluating**

Does the LA have arrangements in place enabling LADO(s) to record details of allegations?

92.3 % Yes;

7.0 % In Progress/Some;

0.7 % No

Does the LSCB monitor and evaluate the effectiveness of procedures?

62.7 % Yes;

33.1 % In Progress;

4.2 % No

### **Monitoring & Evaluation – Overall RAG rating**

51.4% Green; 40.8% Green/Amber; 7.0% Red/Amber; 0.7% Red

Does the LSCB ensure that training is provided regarding allegations?

68.3 % Yes;

23.9 % In Progress;

7.7 % No

### **Training – Overall RAG rating**

42.3 % Green; 35.9% Green/Amber 18.3% Red/Amber; 3.5% Red;

### **Allegations – Overall RAG rating**

**33.8% Green; 59.9% Green/Amber; 5.6% Red/Amber; 0.7% Red**

# Annex C – Stakeholder Reference Group Membership

We are grateful for the assistance of the following organisations who were represented on the Stakeholder Reference Group for the review:

Association of Chief Police Officers (ACPO)

Association of Colleges (AoC)

Association of School and College Leaders (ASCL)

Association of Teachers and Lecturers (ATL)

Brent Council

Child Exploitation and Online Protection Centre (CEOP)

Children's Workforce Development Council (CWDC)

Crown Prosecution Service (CPS)

Fostering Network

GMB

Kirklees Council

Lambeth Council

Local Government Association

Local Government Employers

NASUWT

National Association of Head Teachers (NAHT)

National Governors Association

National Union of Students (NUS)

NSPCC

Press Complaints Commission

Transport and General Workers Union (TGWU)

Unison

Voice the Union



# Glossary

<b>ACPO</b>	Association of Chief Police Officers
<b>AMA Network</b>	Allegation Management Adviser Network
<b>LSCB</b>	Local Safeguarding Children Board
<b>CPS</b>	The Crown Prosecution Service
<b>LA</b>	Local Authority
<b>LADO</b>	Local Authority Designated Officer
<b>NSO</b>	Named Senior Officer
<b>SA Network</b>	Safeguarding Advisers (replaced Allegation Management Advisers network from April 2008)
<b>Working Together</b>	'Working Together to Safeguard Children' (2006)

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